

**Remarks of Representative Terry Musser
to the Senate Committee on Environment and Natural Resources**

May 23, 2007

**2007 Senate Bill 97, Relating to Conservation Wardens Employed by the
Great Lakes Indian Fish and Wildlife Commission**

I am Representative Terry Musser, 92nd Assembly District. I serve as chair of the Joint Legislative Council's Special Committee on State-Tribal Relations. The Council is required by statute to create this committee each biennium, to study issues related to American Indians and American Indian tribes in Wisconsin and to make recommendations to the Legislature. Senate Bill 97 is one of this committee's recommendations.

SB 97 is a common sense bill. It is about protecting law enforcement officers and promoting cooperative law enforcement in northern Wisconsin, a region where distances are large and resources are small.

The Great Lakes Indian Fish and Wildlife Commission, or GLIFWC, is an intertribal agency of the Chippewa Indian bands in Wisconsin, Michigan, and Minnesota, with headquarters in Odanah, Wisconsin. Among other activities, GLIFWC enforces conservation codes that apply to Chippewa tribal members while hunting, fishing, or gathering off their reservations in the ceded territory—roughly the northern third of Wisconsin. It was created for this purpose out of the court orders that resolved the litigation over the Chippewa Indian's off-reservation rights preserved by treaty.

GLIFWC employs a corps of highly qualified conservation wardens, many of whom meet the same law enforcement training standards as DNR wardens. In fact, many GLIFWC wardens are deputized state conservation wardens—they wear the GLIFWC patch on one shoulder and the DNR patch on the other. Some also carry credentials of a sheriff's deputy. In these capacities, they assist state conservation and local law enforcement officers. For example, the first officer on the scene in 2004 when eight deer hunters were shot in Sawyer County was a GLIFWC warden.

This is a pretty good picture: GLIFWC wardens are enforcing the Chippewa off-reservation conservation code and providing assistance to state and local law enforcement. The DNR and local law enforcement indicate the role played by GLIFWC wardens is very valuable. So, where is the problem? State statutes.

State law allows peace officers to do a lot of things that most citizens cannot do—carry a firearm in a public building or a school, for example, or exceed speed limits with flashing lights and siren, etc. The trouble is, GLIFWC wardens are not “peace officers” under the current statutory definition of that term. There is a very good question whether, under state law, they can even go armed, in uniform, in a marked patrol vehicle. This calls into question just about every aspect of their work. And that just doesn't make sense.

What is more, the various statutes that serve to protect the personal safety of law enforcement officers—such as those relating to battery of a law enforcement officer, disarming a peace officer, and resisting or obstructing an officer—do not apply to GLIFWC wardens. These wardens are equally deserving of the protections of the law.

SB 97 has two goals. The first is to *remove legal impediments* that could hinder GLIFWC wardens in doing their primary job of enforcing the Chippewa off-reservation conservation code and to provide them with the same *legal protections* and *law enforcement tools* as peace officers. However, the bill is selective in how it does this:

- First, it applies all statutes regarding the protection of officers or interference with law enforcement to *all* GLIFWC wardens.
- Second, it applies *most* statutes regarding the possession or use of firearms and other weapons by peace officers to *only* those GLIFWC wardens who meet state law enforcement certification requirements. However, the bill does *not* apply statutes relating to particularly dangerous weapons or explosives to *any* GLIFWC wardens.
- Third, the bill allows GLIFWC and its wardens to participate in the TIME system, the DOJ's system that allows law enforcement agencies to share information.

The result is that the bill gives GLIFWC wardens the same protections as DNR wardens and most of the same tools. The few exceptions regarding law enforcement tools give GLIFWC wardens *less* authority than their DNR counterparts.

The second goal of SB 97 is to enable GLIFWC wardens to *assist state and local law enforcement agencies*. To accomplish this, the bill gives them arrest and assist powers that are similar to those that current law gives to a law enforcement officer outside of his or her territorial jurisdiction. Specifically:

- Within the ceded territory, a GLIFWC warden may make an arrest for a violation of state law, or may render aid or assistance to a Wisconsin peace officer:
 - in response to an emergency situation that poses a significant threat to life or of bodily harm or if the warden has reasonable grounds to believe a felony was committed; *or*
 - when rendering aid or assistance to a Wisconsin peace officer in an emergency or at the request of the officer.
- *if*:
 - the warden is on duty and on official business;
 - the warden meets state law enforcement training standards;
 - GLIFWC has a written policy regarding making arrests or providing aid or assistance; *and*
 - GLIFWC maintains at least \$2 million of liability insurance.

The bill also allows GLIFWC wardens to engage in fresh pursuit beyond the ceded territory in limited circumstances.

As I said at the outset, this is a common sense bill that makes the best possible use of existing law enforcement resources and lets people do their jobs. It is also reasonable. Careful consideration was given to which statutes should be applied to GLIFWC wardens and reasonable safeguards were included.

Last session, similar legislation passed the Senate on a voice vote, and was recommended for passage by the Assembly Committee on Natural Resources on a vote of 12-0. For a variety of reasons, that legislation did not get to the Assembly floor and so did not pass. This session, the Assembly Committee on Natural Resources again voted unanimously to recommend the Assembly companion bill, AB 198. You may be aware that the Assembly tabled that bill last Wednesday. This happened because of questions that I believe were based on a misunderstanding of the bill. I am confident the Assembly will pass this legislation and I hope that you will give this bill a favorable recommendation, as well, so that we can finish this piece of unfinished business from last session.

I would be happy to respond to your questions. David Lovell of the Legislative Council staff, is with me to respond to the more technical questions.

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294

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Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band

MINNESOTA

Fond du Lac Band
Mille Lacs Band



TESTIMONY

of

JAMES E. ZORN

**EXECUTIVE ADMINISTRATOR,
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION**

on

SENATE BILL 97

**RELATING TO CONSERVATION WARDENS EMPLOYED BY THE
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION**

Before the

**COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
WISCONSIN STATE SENATE**

May 23, 2007

**Testimony of James E. Zorn
Executive Administrator
Great Lakes Indian Fish and Wildlife Commission**

Mr. Chairman and Members of the Committee, my name is James E. Zorn, Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). Thank you for the opportunity to appear before you today to discuss Senate Bill 97, a proposal relating to GLIFWC's conservation wardens whose responsibility it is to enforce Chippewa off-reservation conservation codes in Northern Wisconsin.

SB 97 would afford GLIFWC wardens the same protections afforded to other law enforcement officers and would authorize state-certified GLIFWC wardens to assist state and local agencies in times of need. If enacted, this bill would enhance both our wardens' safety and the overall public safety in the northern third of Wisconsin. It would affirm and build upon the 20-year history of GLIFWC's wardens providing cooperative law enforcement and emergency services to their state and local counterparts.

GLIFWC asks this Committee to favorably consider SB 97 and to endorse it for adoption by the full Senate. It comes before this body as the product of the joint efforts and careful consideration of the Joint Legislative Council, the Wisconsin Department of Justice, and the Wisconsin Department of Natural Resources.

We hope that the Committee will agree that this bill is based upon sound policy to enhance overall public safety, is consistent with the statutory treatment afforded other law enforcement agencies, and reflects 20 years of successful state/tribal cooperation to better protect and serve Wisconsin's citizens and guests.

I. GLIFWC – ITS MISSION AND THE ROLE OF ITS CONSERVATION WARDENS

GLIFWC was founded in 1984 as a natural resources management agency exercising delegated authority from its 11 member federally-recognized Chippewa¹ tribes in Wisconsin, Michigan and Minnesota² regarding their ceded territory (off-reservation) treaty rights to hunt, fish and gather.

As relevant to SB 97, GLIFWC's mission is ensure that its member tribes are able to exercise their rights for the purposes of meeting subsistence, economic, cultural, medicinal, and spiritual needs. In fulfilling that mission, it must:

¹The tribes also are referred to as Ojibwe, or, in their own language, *Anishinaabe*.

²GLIFWC member tribes are: in Wisconsin – the Bad River Band of the Lake Superior Tribe of Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, Sokaogon Chippewa Community of the Mole Lake Band, and Red Cliff Band of Lake Superior Chippewa Indians; in Minnesota – Fond du Lac Chippewa Tribe, and Mille Lacs Band of Chippewa Indians; and in Michigan – Bay Mills Indian Community, Keweenaw Bay Indian Community, and Lac Vieux Desert Band of Lake Superior Chippewa Indians.

- meet specific federal treaty and statutory obligations toward GLIFWC's member tribes;
- carry out law enforcement functions required by federal court decisions affirming the tribes' treaty rights; and
- serve as an active partner with state, federal and local law enforcement agencies and emergency services providers.

For the northern third of Wisconsin, GLIFWC is the Chippewa Tribes' primary off-reservation enforcement arm regarding their treaty hunting, fishing and gathering rights (*see* attached map of the Wisconsin 1837 and 1842 treaty ceded territories). It serves as an intertribal, non-political entity to ensure fair, uniform and effective enforcement of the Tribes' off-reservation conservation codes approved in what is commonly known as the Voigt case. In addition, it provides primary coordination with the Wisconsin Department of Natural Resources (DNR) wardens who also are authorized to enforce the tribal off-reservation conservation codes.

GLIFWC employs 20 wardens, 13 of which are stationed in Wisconsin on or near the Chippewa reservations. This bill deals only with our activities in Wisconsin although GLIFWC also is authorized to enforce tribal off-reservation conservation codes in portions of Michigan and Minnesota. GLIFWC wardens must attend the same or equivalent training as their state counterparts, and must meet similar continuing education requirements to maintain their positions. And, each GLIFWC warden must be either a certified medical first responder or emergency medical technician.

II. PROTECTING GLIFWC'S WARDENS AS THEY PERFORM THEIR DUTIES

The bill's primary purpose is to protect GLIFWC's wardens as they perform their duties. Like DNR wardens, they generally work alone in isolated areas, frequently work at night, and often encounter armed individuals. The proposed bill would afford GLIFWC wardens the same statutory safeguards and protections that are afforded to their DNR counterparts. For example:

- Our wardens would have access to criminal history and other information to identify whom they are encountering in the field so that they can determine whether they are about to face a fugitive or some other dangerous individual.
- They would have access to emergency services radio frequencies to call for backup, to summon aid in cases of medical or fire emergencies, and to inform another agency of a possible violation falling under that agency's authority.
- They would be operating statutorily-authorized emergency vehicles that would be treated like other law enforcement vehicles.
- And, they would fall within criminal statute provisions that protect state and local officers from threats and assaults.

These protections are more than just theoretical matters. A few years back, a GLIFWC warden was assaulted while on duty, but the perpetrator could not be appropriately charged with assault of a law enforcement officer under state law because of the "technicality" that GLIFWC

officers are not statutorily-recognized law enforcement officers. The color of one's uniform should be irrelevant when it comes to prosecuting those who inflict bodily harm on those who protect and serve Wisconsin's citizens.

In bringing GLIFWC's wardens within particular statutory protections and immunities afforded to law enforcement officers, SB 97 has been carefully drafted to exclude particular statutes that do implicate the primary duties of GLIFWC's wardens. Specifically, the bill does not apply statutes authorizing the possession or use of explosives or particularly dangerous weapons to any GLIFWC warden. Examples of statutes in this category are exceptions for peace officers to prohibitions against the possession or use of machine guns, short-barreled shotguns and rifles, explosives, and other weapons. GLIFWC wardens simply have no need for these weapons.

III. ENHANCING LOCAL LAW ENFORCEMENT AND EMERGENCY SERVICES

The bill's other purpose is to solidify GLIFWC's long-standing partnership role in Northern Wisconsin's emergency services networks for the benefit of the general public. The proposed bill would recognize that properly trained GLIFWC wardens who meet the requirements of Wisconsin's Law Enforcement Training and Standards Board are valuable assets to state and local agencies.

Our wardens routinely encounter illegal activities, including serious felonies, that fall outside of their primary conservation jurisdiction. They are properly trained and perfectly competent to stop criminal activities, detain alleged perpetrators, preserve crime scenes and evidence, and assist victims until the proper authorities arrive. Moreover, our wardens routinely encounter or are called upon to assist at car accidents, medical emergencies and other emergencies.

Simply stated, GLIFWC's wardens have a history of being there in time of need to assist local law enforcement and emergency service agencies. Such was the case regarding two particularly tragic incidents – in 1996, when GLIFWC warden Ken Rusk was among the first to respond to Bayfield County's "officer down" call for help when Deputy Parquette was ambushed, and then, in 2004, when GLIFWC warden Mark Thayer was the first to arrive on the multiple homicide scene in Sawyer County involving a trespassing hunter (*see attached examples of other emergency assistance*).

Against this backdrop, the bill would formalize and clarify the authority of GLIFWC wardens to provide the type of assistance that local agencies need and have come to expect from our officers. And, importantly, it would do so in a manner that does not place undue burdens upon state and local agencies.

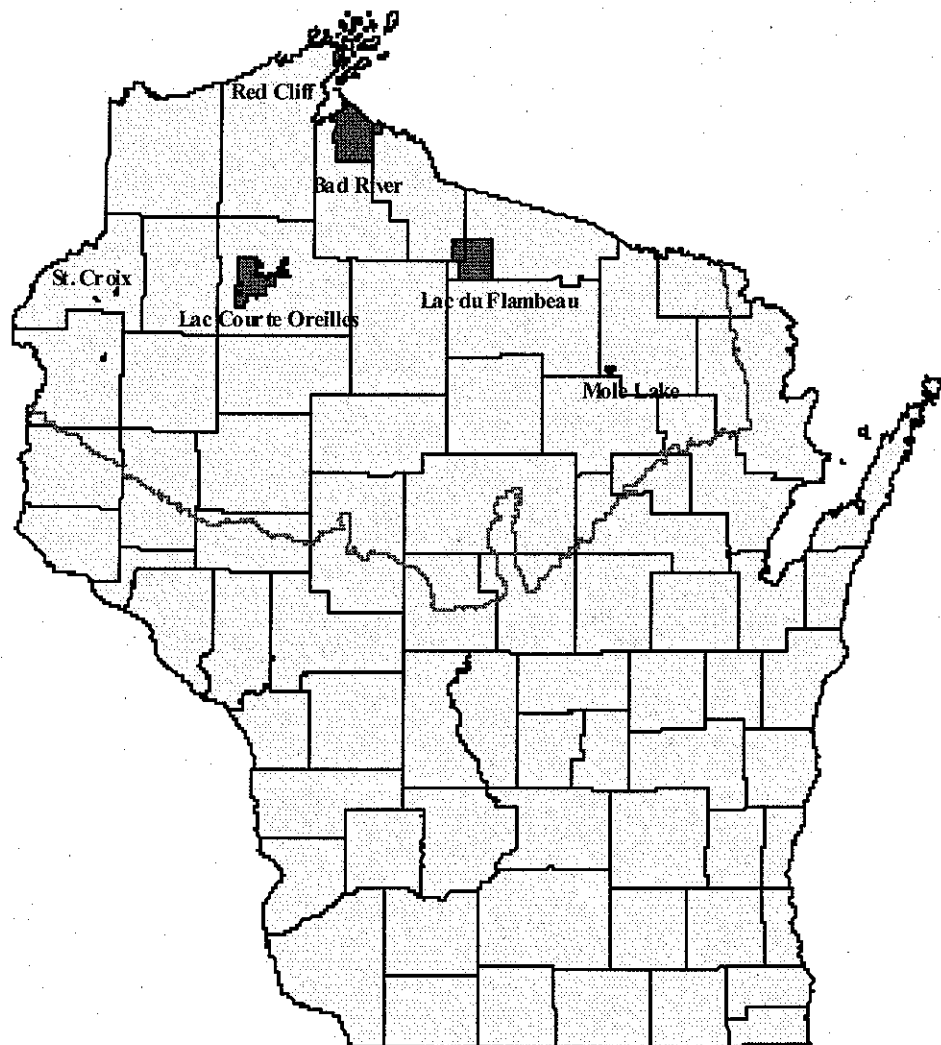
Specifically, the bill would provide GLIFWC wardens with limited arrest and assistance authority similar to that currently provided to other law enforcement officers operating outside of their areas of primary jurisdiction. And, to ensure protection of the public, GLIFWC would be required to promptly call in the agency with primary jurisdiction and to develop other appropriate policies for exercising this authority. GLIFWC also would be responsible for its wardens exercising

this authority and for providing necessary liability insurance protections.

IV. CONCLUSION

GLIFWC appreciates the Committee's consideration of SB 97. This bill will enhance the safety of GLIFWC's wardens in the same that Wisconsin law otherwise provides for the safety of their state and local counterparts. And, this bill truly represents the epitome of state/tribal cooperation for the betterment of Wisconsin's citizens and those who visit our state. We hope that the Committee also deems SB 97 sound public policy both in principle and in practice.

Wisconsin Chippewa Tribes and Ceded Territory



GLIFWC'S ROLE IN THE GENERAL PUBLIC SAFETY INFRASTRUCTURE

Prepared for

Committee on Environment and Natural Resources Wisconsin State Senate

May 23, 2007

GLIFWC conservation wardens play an important role in the overall law enforcement and public safety infrastructure of the Chippewa ceded territories in the northern third of Wisconsin. They have developed good working relationships with county Sheriff's Departments, the Wisconsin State Patrol, the Wisconsin Department of Natural Resources, the USDA-Forest Service, the National Park Service, the U.S. Coast Guard, the U.S. Fish and Wildlife Service, tribal on-reservation conservation departments, tribal police departments, local fire departments and local ambulance services.

GLIFWC wardens have a history of assisting these agencies regarding:

- a. Emergency Response – Including:
 - i. Medical Emergencies – Such as car accidents, snowmobile accidents, heart attacks, hunting accidents, and one warden even delivered a baby.
 - ii. Search, Rescue and Recovery – Including boat rescues on Lake Superior, ice rescues, searches for lost persons, drownings, and lost airplanes.
 - iii. "Officer Down" and Weapons Incidents – Among first to arrive on the scene where officers from other agencies have been shot and of other incidents of weapons threats.
 - iv. Fugitive Apprehension – Helping to locate or apprehend fleeing suspects and fugitives from justice.
- b. Referral of Criminal Information or Potential Evidence to the Proper Agency – GLIFWC wardens often observe behavior or come upon information/possible evidence of an illegal act that is outside of their authority. When this happens, they either immediately summon the proper authority and, as requested under the authority of that agency, either detain the suspects until the agency arrives or document and report on what has been discovered to the proper authority, turn over possible physical evidence, and, if necessary, serve as a witness in court proceedings.
- c. Interagency Training Exercises – GLIFWC wardens regularly sponsor and participate in a wide range of interagency training sessions, including cold water rescue, hazardous materials identification, firearm safety, Great Lakes commercial fishing vessel safety inspection, first aid/first responder, and crowd control/civil disturbances.
- d. Community Safety Programs – Various GLIFWC officers are certified instructors for hunter safety, boater safety, snowmobile safety and ATV safety courses. These courses are open to the public.

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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MINNESOTA

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Mille Lacs Band



GLIFWC WARDEN BILL: AB 198 & SB 97

LETTERS OF SUPPORT

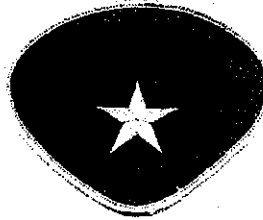
FOREST COUNTY SHERIFF'S DEPARTMENT

100 South Park Avenue
Crandon, WI 54520

Phone: (715) 478-3331

Fax: (715) 478-3535

KEITH R. VAN CLEVE
SHERIFF



KENNETH E. VAN CLEVE
CHIEF DEPUTY

February 22, 2007

TO WHOM IT MAY CONCERN:

The Forest County Sheriff's Department is in agreement that the Great Lakes Fish and Wildlife Commission (GLIFWIC) wardens should be recognized as law enforcement officers in the State of Wisconsin, if they meet the Law Enforcement Standards Board certification, which makes a GLIFWIC warden subject to the rules and certification procedures of the LESB.

This would allow GLIFWIC wardens the right to make arrests for violations of State law and to render aid and assistance to police offices. Currently, the law does not protect GLIFWIC wardens or give them the authority to do their job as they are authorized to do by the Federal Court.

Sincerely, *Keith VanCleve*

Keith R. Van Cleve
Forest County Sheriff

KVC/kh

Dedicated to Serve and Protect the Citizens of Forest County



Tim Zeigle
Chief Deputy

Gary Gillis
Criminal Investigator

Daniel Ross
Narcotics Investigator

Emergency: 9-1-1

Cell Emergency:
9-1-1 (715/634-0318)

Non-Emergency:
(715) 634-5213

Sheriff's Admin:
(715) 634-4858

Sheriff's Fax:
(715) 634-3845

Jail:
(715) 634-9120

Jail Fax:
(715) 634-9748

Feb. 12, 2007

Ref: GLIFWC WARDEN BILL

To whom it may concern:

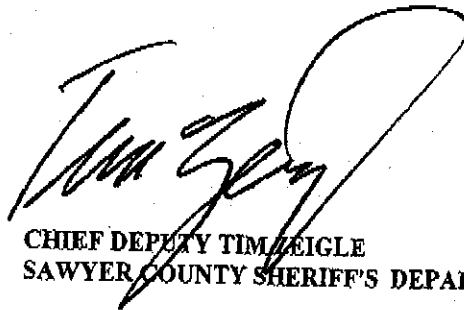
Please accept this letter as a document in support of the upcoming GLIFWC WARDEN BILL.

Here in Sawyer County, we have had the pleasure to work with many GLIFWC Wardens over the years. Most local wardens, if not all, were cross deputized by the Sawyer County Sheriff's. Our present sheriff has deputized two local Native Americans who served as GLIFWC Wardens. Both of those deputies worked closely with our officers, and in the past filled part time shifts within the sheriff's department.

Officers from Sawyer County have also had the pleasure to work with GLIFWC WARDENS side by side, during the spear fishing years. That working relationship has continued through out the years, to date. Our officers have an excellent working relationship with the GLIFWC WARDENS and find them well trained and knowledgeable on Wisconsin and tribal laws.

In closing, I would add that in these times of budget shortcomings, another set of eyes and the ability to enforce the laws, adds additional security to the citizens of the LCO reservation, Sawyer County, and all of Northwestern Wisconsin.

Sincerely,



CHIEF DEPUTY TIM ZEIGLE
SAWYER COUNTY SHERIFF'S DEPARTMENT

**VILAS COUNTY
SHERIFF'S DEPARTMENT**

John A. Niebuhr
Sheriff

Justice Center
330 Court Street
Eagle River, Wisconsin 54521-8362
Telephone (715) 479-4441
Fax (715) 479-6039

Joseph A. Fath
Chief Deputy

January 12, 2006

Great Lakes Indian Fish & Wildlife Commission
Division of Intergovernmental Affairs
Mr. James E. Zorn, Director
PO Box 9
Odanah, WI 54861

RE: Great Lakes Indian Fish & Wildlife Commission Conservation Wardens

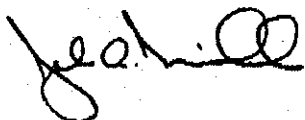
Dear Director Zorn:

Please accept this letter of support, from the Vilas County Sheriff's Department, regarding Assembly Bill 630, relating to Conservation Wardens employed by the Great Lakes Indian Fish & Wildlife Commission.

It is my understanding that under Assembly Bill 630, GLIFWC wardens would have the same protections afforded to other law enforcement officers and the bill would authorize state-certified GLIFWC wardens to assist state and local agencies in times of need. As the Sheriff of a local agency, I find this concept very acceptable. Given our current budget restraints, addition staffing is not an option. The availability of other law enforcement personnel is very much appreciated during an incident.

I wish you success in the passage of Assembly Bill 630. If I can be of further assistance, please don't hesitate to contact me.

Sincerely,



Sheriff John A. Niebuhr

JAN/cak



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

May 9, 2005

David L. Lovell, Senior Analyst
Wisconsin Legislative Council
One East Main Street, Suite 401
Madison, WI 53703-3382

Dear Mr. Lovell:

Representative Terry Musser has asked that I contact you regarding proposed legislation (WLC 0127) which would give limited state recognition to wardens of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). As you know, my staff has worked closely with Legislative Council staff in the drafting of this legislation and has previously testified in its support before the Special Committee on State - Tribal Relations.

I wish to reaffirm the Department's support for WLC 0127. Department law enforcement staff have an excellent working relationship with GLIFWC wardens and are familiar with the limitations placed on their roles due to the fact that they are not considered state law enforcement officers. This proposal would provide the necessary tools for properly trained GLIFW wardens to do their off-reservation treaty rights enforcement through provisions which recognize their ability to operate police vehicles, carry firearms and access the state's criminal history data base. The proposed changes would provide the recognition that GLIFWC officers need without expanding their authority over non-Indians except in emergency situations that pose a significant threat to life or bodily harm or when requested by another law enforcement agency.

Again, the Department of Natural Resources is in support of WLC 0127.

Sincerely,

Scott Hassett
Secretary

cc: Michael Lutz, LS/5
Amber Smith, AD/5
Randy Stark, LE/5
Amy Smith, AD/5
Representative Terry Musser
James Schlender - GLIFWC



PHONE 715-478-3331

Forest County Sheriff's Department

100 SOUTH PARK AVENUE

CRANDON, WISCONSIN 54520-1431

ROGER W. WILSON
SHERIFF**KENNETH E. VAN CLEVE**
CHIEF DEPUTYFAX 715-478-3515 JAIL
FAX 715-478-3535 ADMN.

September 21, 2005

TO WHOM IT MAY CONCERN:

Please consider this letter as showing the support of our Department for wardens of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) to have the authority to make arrests for violations of State laws, render aid and assistance to State police officers, and to be recognized by the State of Wisconsin as police officers, provided they meet the Law Enforcement Standards Bureau's requirements for certification as police officers.

Thank you for your consideration.

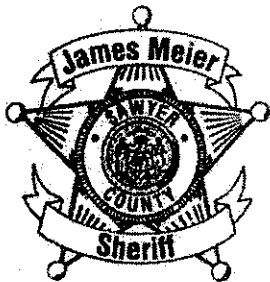
Sincerely,

A handwritten signature in black ink, appearing to read "R. Wilson". The signature is fluid and stylized, with a long horizontal stroke at the end.

Roger W. Wilson
Sheriff of Forest County

RWW/kh

Dedicated to Serve and Protect the Citizens of Forest County.



Tim Zeigle
Chief Deputy

Gary Gillis
Criminal Investigator

Daniel Ross
Narcotics Investigator

Emergency: 9-1-1

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Jail:
(715) 634-9120

Jail Fax:
(715) 634-9748

September 23, 2005

Honorable Scott Gunderson, Chair
Assembly Committee on Natural Resources
Room Seven West
P.O. Box 8952, State Capitol
Madison, WI 53708

RE: Assembly Bill 630

Dear Mr. Gunderson:

Please let this letter stand as my proffer on AB 630, extending the application of a broad range of statutes relating to law enforcement to the Great Lakes Indian Fish and Wildlife Commission.

Here in Sawyer County I have had the pleasure to work with many GLIFWIC wardens in the past 25 years. Most local wardens, if not all, were deputized by my predecessor. During my tenure as sheriff, I have deputized two local Native Americans who serve as GLIFWIC wardens. I might add that both of them are involved with my department and also fill in part-time shifts as deputies for the Sawyer County Sheriff's Department. I have also had the pleasure to work the boat landings during the spear fishing controversy side by side with the GLIFWIC personnel. Now, as then, I find the GLIFWIC wardens are well trained and knowledgeable on Wisconsin state law as well as tribal law.

In closing, I would add that in these times of financial scrutiny, another set of eyes and the ability to act as a law enforcement officer is welcomed enthusiastically in Sawyer County.

Cordially,

James A. Meier
Sawyer County Sheriff

JAM/ms

cc: Fred Maulson
Representative Mary Williams



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

PEGGY A. LAUTENSCHLAGER
ATTORNEY GENERAL

Daniel P. Bach
Deputy Attorney General

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857

May 16, 2005

The Honorable Alan Lasee
Co-Chair
Joint Legislative Council
220 South, State Capitol
Madison, WI 53702

The Honorable Steve Wieckert
Co-Chair
Joint Legislative Council
16 West, State Capitol
Madison, WI 53702

Re: Proposed legislation regarding GLIFWC conservation wardens

Dear Senator Lasee and Representative Wieckert:

I am writing to offer my support for proposed legislation (WLC: 0127/3) that would extend the application of some Wisconsin law enforcement statutes to cover conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission ("GLIFWC").

Federal-court litigation between the State of Wisconsin and several Chippewa bands in the early 1990s authorized GLIFWC to enforce tribal hunting and fishing regulations in certain off-reservation territories in northern Wisconsin. Current state law, however, creates obstacles to some GLIFWC activities that are necessary concomitants of its court-authorized work, such as going armed in the uniform of a law enforcement officer and operating an emergency vehicle with a siren and red-and-blue warning lights. The primary achievement of the proposed legislation is to eliminate state-created obstacles to such activities, thereby facilitating the practical, day-to-day ability of GLIFWC wardens to do their jobs.

The proposed legislation also promotes general law enforcement goals by giving GLIFWC wardens access to certain state law enforcement tools, such as the transaction information for the management of enforcement ("TIME") system, and by affording GLIFWC wardens the same legal protections to physical safety that are generally afforded to all law enforcement officers.

The second major achievement of this legislation is to enable GLIFWC to assist state law enforcement agencies in northern Wisconsin by authorizing GLIFWC to adopt and implement written policies under which its wardens would be allowed to respond to aid requests from state

The Honorable Alan Lasee
The Honorable Steve Wieckert
Page 2

law enforcement authorities and to make arrests for violations of state law when they encounter a dangerous emergency situation or a felony in progress. GLIFWC wardens who receive this authority will be required to meet the same training and certification requirements applied to Wisconsin law enforcement officers, thereby maintaining the state's established standards of law enforcement professionalism. In order to guarantee GLIFWC's financial responsibility for the official acts of its wardens pursuant to this new authority, the legislation requires GLIFWC to maintain a liability insurance policy for at least \$2 million under which there would be no defense of sovereign immunity.

This legislation advances the interests of the citizens of the State of Wisconsin and promotes comity between the state and the Chippewa bands of Wisconsin. On behalf of the Department of Justice, I offer my support for this legislative proposal. If I can be of any other assistance regarding this matter, please feel free to contact me by calling 266-1221.

Very truly yours,


Peggy A. Lautenschlager
Attorney General

PAL:TCB:df

c: The Honorable Terry Musser
State Representative